

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION

COMES NOW the Defendant, by and through the undersigned attorneys, moving this Honorable Court for Summary Judgment pursuant to Fed. R. Civ. P. 56, or, in the alternative, to compel Plaintiff's deposition.

Defendant has two grounds for its motion. First, the Plaintiff has failed to show any liability whatsoever on behalf of the Defendant and has failed to establish the actions are not subject to the exceptions of liability included within the South Carolina Tort Claims Act §15-78-60. Second, the Plaintiff has failed to prosecute this case by refusing to sit for a deposition. Defendant has a right to defend the serious and unfounded allegations levied by Plaintiff and cannot do so without taking Plaintiff's deposition. The undersigned counsel has been persistent in seeking dates for Plaintiff's deposition via videoconferencing for months to no avail.

Defendant hereby requests this Court for a hearing pursuant to S.C. Code Ann §15-78-60 to consider the basis of its Motion for Summary Judgment. Alternatively, to order Plaintiff to present for a deposition via videoconferencing within 30 days. Defendant will submit a memorandum of law in support of this motion at the Court's request.

Respectfully submitted,

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March 15

_____, 2021
Mt. Pleasant, South Carolina